

an extremely important debate about the future of the country after the recess, but we know what is going on. What I hear is the majority leader does not want to keep his word to the Senate or to the American people. We will take that into consideration as we move forward.

With regard to this D.C. Circuit nomination—talk about a manufactured crisis. This well-qualified nominee came out of the committee unanimously. We have been operating on confirming judges on the basis of coming out of committee. So the majority leader decided that wasn't good enough and to do it now.

Yesterday I objected to that simply because—we did not have a problem here. We have been operating in a very collegial and sensible way. However, he has now manufactured something he can call a filibuster by filing cloture on a nominee we were prepared to confirm in an up-or-down vote in a week from now. So we ought to confirm him now.

Therefore, as I noted yesterday, Senate Republicans don't have a problem with an up-or-down vote on this pending nominee for the D.C. Circuit. Indeed, the day after his nomination appeared on the Executive Calendar for the first time, we offered to have an up-or-down vote on the nomination. The only thing we asked was that Members who did not serve on the Judiciary Committee have at least a reasonable amount of time to review his record. Unfortunately, the majority would not take yes for an answer.

Instead, it moved to set a 60-vote hurdle by filing cloture on the nomination the day after it first appeared on the calendar. It was heavyhanded, and, frankly, completely mystifying. As I said, the nomination had been on the Executive Calendar for barely a day, but we are not going to let the majority leader manufacture an obstruction crisis where none exists.

UNANIMOUS CONSENT AGREEMENT—EXECUTIVE CALENDAR

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the cloture vote scheduled for Executive Calendar No. 95 be vitiated; further, the Senate proceed to executive session at 1 p.m. today for the consideration of Calendar No. 95; there be 1 hour of debate equally divided in the usual form, and at the use or yielding back of time, the Senate proceed to a vote on the confirmation of the nomination with no intervening action or debate, and that the President then be notified of Senate's action.

The PRESIDING OFFICER. Is there objection?

Mr. REID. Mr. President, reserving the right to object.

The PRESIDING OFFICER. The majority leader.

Mr. REID. Mr. President, I am not going to have a long conversation this morning with my friend the Republican leader, other than to say this: My speech speaks for itself. I wrote it; no one else wrote it. It is my speech, and

I want everyone to look at that. I want Republicans and Democrats to look at it.

I also want the record to be clear: This man, on whom we are going to vote this afternoon at 1 p.m. or 2 p.m.—whatever time the consent agreement suggests—has been waiting 1 year. So the Republican leader can talk about how quickly it came, but this man has been waiting for a year. I went through the statistics, and I will not go over them again. I hope things work out in this Senate so we don't have to go through anymore procedural battles, but things are not working well. I went through the statistics, and they are in my speech.

I don't object.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Republican leader.

Mr. MCCONNELL. Let me make sure everybody understands where we are. Let's have no misunderstandings. What the majority leader is doing is trying to get 51 votes to break the rules of the Senate and change the rules of the Senate. We know what he is doing, and let's make no mistake what the stakes are: He is threatening this institution, which he elected, in part, to protect, by manufacturing a crisis that does not exist. As we all know, in the Senate every Senator has the ability to impact how we do business. Unanimous consent means exactly what it says, unanimous consent.

I hope the majority leader will think long and hard, and I hope my friends in the majority, who may some day be in the minority—I know there are a lot of new Democratic Senators who think that will never happen, but amazingly enough the American people do, from time to time, change their minds about who they want running the country. The shoe could be on the other foot, and we never know when. I could have the job the majority leader currently has.

I think we need to think long and hard about protecting this institution and its traditions, particularly manufacturing crises when they don't exist.

I yield the floor.

The PRESIDING OFFICER. The majority leader.

Mr. REID. Mr. President, prior to coming to Congress, I was a trial lawyer. I tried more than 100 cases to a jury. The jury decided what was right or wrong in the particular conflict, and I have the American people on my side with this conflict. They don't like what is going on in the Senate, and I have an obligation to protect the Senate. I know that, and my friend reminds me of that, and I think of it very often. I think of it every day and when I have my weekly caucus with my 54 Democratic Senators. I represent them to represent the people they represent. I represent, because the people they represent are Republicans, Democrats and Independents, and I understand that.

So I am willing to take this case to the American people. I hope we can resolve any problems we have, but it is not right what is going on. I submit my

case to the American people. I submit my case to the American people.

I don't know what he is talking about. I had a very early meeting this morning. I haven't read the newspaper. Maybe there is something in there I will have to deny. I don't know anything about the 51 votes. I look for 51 votes all the time on many different issues.

As I said, I don't want to have any animosity between me and my friend. He is a lawyer. I am a lawyer. He represents Kentucky. I represent Nevada. We both represent our respective caucuses and we both have an obligation to make this place work better.

The ACTING PRESIDENT pro tempore. The Republican leader.

IRS AND OBAMACARE

Mr. MCCONNELL. Mr. President, now I wish to talk about a real scandal and not a manufactured crisis.

Nearly 2 weeks have now passed since we learned about the scandal at the IRS. The more we learn, the more troubling it becomes. It is now clear this was about much more than one or two employees going rogue at some far-flung office out in the administrative hinterlands as was first suggested.

The facts we have seen so far point to something far more systemic than that, and it shouldn't surprise anybody. This is the IRS we are talking about—the IRS. This is an agency that is basically a euphemism for mind-numbing bureaucracy—the kind of place where one would assume nobody does much of anything without signatures and countersignatures from section chiefs and subsection chiefs and deputy office heads and secondary assistant deputy subassociate directors; sort of like a Kafka novel without the laughs.

So what we first heard always stretched credulity. Employees at ground zero of the Federal bureaucracy going rogue? Come on. Think back to the testimony we heard this week—or didn't hear. Why did Lois Lerner and other senior and former IRS officials refuse to address questions they had previously misled Congress? Somehow I doubt it is because they had nothing of interest to say. We will look forward to hearing more from them and we will look forward to hearing from whom ever actually made the decisions that led to these abuses, since no one we have heard from yet is able to take responsibility for what went on.

Let's not forget the administration continues to give us different timelines about who knew what and when.

So the long and short of the situation is this: The public doesn't know the full story yet. A number of my constituents have shared stories with my office about the IRS auditing their organizations and businesses during the recent Presidential campaign for the first time ever. All of a sudden they get